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09/939,899	08/27/2001	Kevin O'Rourke	2001P07802US01	4111

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Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,899

Applicant(s)

O'ROURKE, KEVIN

Examiner

Le Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 865 and 887 of figs. 8A. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitations "said medical parameter" on page 23. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 5-9, 13-14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans.

As per claim 1, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information (Abstract) comprising the steps of receiving user identification information for use in authorizing user operation of the portable processing device (col. 15, lines 21-32), initiating display of an image including a plurality of links to a corresponding plurality of individual patients (col. 5, lines 56-66), initiating display of a patient record content index image including a plurality of links to a corresponding plurality of items of patient record information in response to user selection of a link to one of the plurality of individual patients (figs. 5-8 and 19-22; col. 9, lines 7-14) and initiating display of an image including information comprising a portion of a patient record in response to user selection of a link to one of the plurality of items of patient record information (fig. 12; col. 2, lines 34-38; col. 13, lines 20-30).

As per claim 2, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the step of initiating generation of patient record content index data for display in the context index image by one of, (a) initiating generation by an application located in a remote device and (b) initiating generation by an application in the portable processing device (col. 4, line 64 through col. 5, line 8).

As per claim 5, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the

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step of initiating display of an image including a plurality of links to a corresponding plurality of lists of patients, and wherein the step of initiating display of an image including a plurality of links to a corresponding plurality of individual patients is performed in response to user selection one of the plurality of links to a corresponding plurality of lists of patients (figs. 5-8 and 19-22; col. 5, line 56 through col. 6, line 54).

As per claim 6, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the step of initiating display of an image icon for display in a plurality of images, the image icon supporting at least one of, (a) initiating display of the image including links to a plurality of lists of patients, (b) initiating display of the image including a plurality of links to a corresponding plurality of individual patients, (c) initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information and initiating display of medical record information for a next patient (figs. 5-8, 12 and 19-22; col. 5, line 56 through col. 6, line 54; col. 2, lines 34-38; col. 13, lines 20-30; *user selection in an icon-based interface of an image icon such as a patient name in a plurality of images, which includes initiating display of the patient record content index image including a plurality of links to a corresponding plurality of items of patient record information*).

As per claims 7 and 8, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the step of maintaining a row element stationary upon horizontally scrolling an image screen display including other elements of the row and wherein the stationary row element is the first data element of the row (fig. 19; *element 182*).

As per claim 9, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the step of maintaining a column element stationary upon vertically scrolling an image screen display including other elements of the column (fig. 20; *depicted are vertical scroll bars having scroll arrows and sliding scroll box wherein scroll arrows inherently maintains a column element stationary upon vertically scrolling an image screen display including other elements of the column for moving line by line*).

As per claims 13 and 14, Evans teaches a method for use by a portable processing device for accessing and navigating patient record information (Abstract) comprising the steps of receiving user identification information for use in authorizing user operation of the portable processing device (col. 15, lines 22-32), initiating display of a patient record content index image including a plurality of links to a corresponding plurality of items of patient record information (col. 5, lines 56-66; figs. 5-8 and 19-22; col. 9, lines 7-14), initiating display of an image including a recorded patient medical parameter value and an associated medical parameter label comprising an item of patient record information in response to user selection of a link to one of the plurality of items of patient record information (fig. 7; col. 7, lines 52-64; *parameter value depicted under "WITHIN RANGE" column and an associated medical parameter label of the type "blood test result"*) and initiating display of at least one of (a) a reference range for the medical parameter (fig. 7) and (b) a unit of measure for the medical parameter (fig. 7; *"UNITS" in MG/DL"*) in response to user selection of the medical parameter label (fig. 7; col. 7, lines 6-19; *user select medical parameter label such as "blood test results"*) and wherein the reference

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range comprises a normal value range for the medical parameter (fig. 7; col. 8, lines 5-8; col. 11, lines 19-22; *"REFERENCE" normal range such as "70-" for "GLUCOSE"*).

As per claim 16, Evans teaches a method for use by a portable processing device for accessing and navigating patient record information (Abstract) including the step of initiating display of an image including a plurality of links to a corresponding plurality of individual patients (col. 5, lines 56-66), initiating display of a patient record content index image including a plurality of links to a corresponding plurality of items of patient record information in response to user selection of a link to one of the plurality of individual patients (figs. 5-8 and 19-22; col. 9, lines 7-14).

Claim 18 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4, 10-12, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of de la Huerga et al. ("Huerga").

As per claim 3, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the step of deriving content index information from patient record information (col. 15, lines 22-32), Evans does not explicitly disclose deriving content index information from patient record

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information by parsing patient record information ancillary data to identify distinct patient record information sections. Huerga teaches a method for providing a user interface for use by a processing device for accessing and navigating patient record information including the step of deriving content index information from patient record information by parsing patient record information ancillary data to identify distinct patient record information sections (col. 17, lines 13-15). Therefore, it would have been obvious to an artisan at the time of the invention to include Huerga's deriving content index information from patient record information by parsing patient record information ancillary data to identify distinct patient record information sections to Evans' deriving content index information from patient record information in order to provide users with an implementation preference of breaking data into smaller chunks so that an application can act on the information.

As per claim 4, although Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information wherein the ancillary data comprises at least one of, (a) header data of the acquired patient record information, (b) descriptive data in a data field of the acquired patient record information, and (d) text data derived by parsing content of the acquired patient record information (Huerga: col. 3, line 44 through col. 45, line 16).

Claim 10 is similar in scope to claim 3 and is therefore rejected under similar rationale.

As per claim 11, the modified Evans teaches a user interface method for use by a portable processing device for accessing and navigating patient record information wherein the step of initiating display of the patient record content index image is performed in response to user selection of a link to a particular patient (col. 15, lines 22-32).

As per claim 12, Evans teaches a method for providing a user interface for use by a portable processing device for accessing and navigating patient record information including the step of initiating display of an image including information comprising an item of patient medical information in response to user selection of a link to one of the plurality of items of patient medical record information (figs. 5-8, 12 and 19-22; col. 5, line 56 through col. 6, line 54; col. 2, lines 34-38; col. 13, lines 20-30).

As per claim 17, although Evans teaches a method for use by a portable processing device for accessing and navigating patient record information including the step of initiating generation of the patient record content index image by deriving content information from patient record information (col. 15, lines 22-32), Evans does not explicitly disclose including the step of initiating generation of the patient record content index image by deriving content information from ancillary data associated with acquired patient record information. Huerga teaches a method for providing a user interface for use by a processing device for accessing and navigating patient record information including the step of initiating generation of the patient record content index image by deriving content information from ancillary data associated with acquired patient record information (col. 17, lines 13-15). Therefore, it would have been obvious to an artisan at the time of the invention to include Huerga's deriving content index information from patient record information by deriving content information from ancillary data associated with acquired patient record information to Evans' deriving content index information from patient record information in order to provide users with an implementation preference.

Claim 19 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 4 and is therefore rejected under similar rationale.

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8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Bessette.

As per claim 15, although Evans teaches a method for use by a portable processing device for accessing and navigating patient record information comprising a medical parameter label, URL links to patient record information (fig. 12; col. 8, lines 5-8; col. 11, lines 19-22; col. 9, lines 7-14; col. 2, lines 34-38; col. 13, lines 20-30) and display of at least one of (a) a reference range for the medical parameter and (b) a unit of measure for the medical parameter in response to user selection of the medical parameter label and wherein the reference range comprises a normal value range for the medical parameter (col. 8, lines 5-8; col. 11, lines 19-22), Evans does not explicitly disclose a medical parameter label being a URL link. Bessette teaches a method for use by a processing device for accessing and navigating patient record information comprising a medical parameter label being a URL link (col. 12, lines 18-66). Therefore, it would have been obvious to an artisan at the time of the invention to include Bessette's medical parameter label being a URL link to Evans' medical parameter label and URL links to patient record information so that remote users may access medical information such as medical parameter labels, using a web browser.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of de la Huerga et al. ("Huerga") as applied to claim 19, and further in view of Bessette.

As per claim 20, although the modified Evans teaches a processing system supporting remote operation of a plurality of portable processing devices used for accessing and navigating patient record information including the steps of communicating to the portable processing device at least one of, (a) reference range for a medical parameter and (b) a unit of measure for

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the medical parameter (col. 8, lines 5-8; col. 11, lines 19-22) and URL links to patient record information (fig. 12; col. 8, lines 5-8; col. 11, lines 19-22; col. 9, lines 7-14; col. 2, lines 34-38; col. 13, lines 20-30), Evans does not explicitly disclose a medical parameter label being a URL link. Bessette teaches a method for use by a processing device for accessing and navigating patient record information comprising a medical parameter label being a URL link (col. 12, lines 18-66). Therefore, it would have been obvious to an artisan at the time of the invention to include Bessette's medical parameter label being a URL link to Evans' medical parameter label and URL links to patient record information so that remote users may access medical information such as medical parameter labels, using a web browser.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myers et al. (US 5,832,450) teach an electronic medical record using text database.

Camarda et al. (US 6,587,829) teach a method and apparatus for improving patient compliance with prescriptions.

Sjoqvist (US 6,610,010 B2) teaches a portable telemedicine device.

Melrose (US 6,272,468 B1) teaches a clinical, administrative, research and teaching (chart) java-web-object information system for medical record management predicated on human body anatomy and physiology multi-media modeling.

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Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
April 17, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100